

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
APRIL 20, 2015**

**ATTENDANCE:** Susan Marks; Christopher (Kip) Hall; E. Reilly Tierney Gerald Nielsen

**ABSENT:** Jayme Stevenson, First Selectman

**STAFF:** Karl Kilduff, Administrative Officer

**OTHERS:** Kate Buch, Director of Finance; Laurie Williamson; Doug Milne; Rep. William Tong

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**CALL TO ORDER**

Mr. Nielsen called the meeting to order at 7 pm. A quorum was present.

**NEW BUSINESS**

Mr. Nielsen reported that due to the bad weather, First Selectman Stevenson's travel was delayed and she could not make the meeting.

**a) Discuss and Take Action on a Resolution Appropriating \$505,000 for Various Capital Projects and Authorizing the Issuance of Bonds and Notes in the Amount of \$505,000 to Meet Said Appropriation.**

There was discussion regarding the fact that the \$505,000 amount was for two items: \$285,000 for a boat for the Police Department, and \$220,000 for installation of a hydronic baseboard heating system for the building at 35 Leroy Avenue.

**b) Discuss and Take Action on a Resolution Appropriating \$705,000 for Road Improvements and Authorizing the Issuance and of Bonds and Notes in the Amount of \$705,000 to Meet Said Appropriations.**

It was noted that the Board of Finance had decided, due to favorable interest rates, it would be prudent to finance road improvements, instead of paying out of tax revenue as had been done in the past.

**c) Discuss and Take Action on a Resolution Appropriating Sixty Million Dollars (\$60,000,000) to Refund Certain of the Town's Outstanding Bonds and Authorizing the Issuance of Refunding Bonds to Finance Such Appropriation.**

Mr. Reilly asked Ms. Buch if the town would be able to get the mill rate down by financing the bond refunding, rather than paying the refund from tax revenues. Ms. Buch said, yes for 2016 the mill rates would go down, as financing would spread the cost out over 10 years.

**\*\* MR. HALL MOVED TO RESOLVE TO: APPROPRIATE \$505,000 FOR VARIOUS CAPITAL PROJECTS AND AUTHORIZE THE ISSUANCE OF BONDS AND NOTES IN THE AMOUNT OF \$505,000 TO MEET SAID APPROPRIATION; APPROPRIATE \$705,000 FOR ROAD IMPROVEMENTS AND AUTHORIZE THE ISSUANCE AND OF BONDS AND NOTES IN THE AMOUNT OF \$705,000 TO MEET SAID APPROPRIATIONS; APPROPRIATE SIXTY MILLION DOLLARS (\$60,000,000) TO REFUND CERTAIN OF THE TOWN'S OUTSTANDING BONDS AND AUTHORIZE THE ISSUANCE OF REFUNDING BONDS TO FINANCE SUCH APPROPRIATION.**

**\*\* MS. MARKS SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**DISCUSSION WITH REP. TONG**

As Rep. Tong had not yet arrived, the Board decided to move on to other items.

**PUBLIC COMMENT**

Ms. Williamson said she would prefer to speak when Rep. Tong was present, and it was determined public comment would begin after his arrival.

**FIRST SELECTMAN'S REPORT**

Mr. Nielsen reported he had spoken to First Selectman Stevenson and she had nothing pressing for him to relay in her absence.

**TOWN ADMINISTRATOR'S REPORT**

Mr. Kilduff reported the town had recently lost its Human Resources director. He said that the recruitment process had begun and that Human Resources was now being handled through the Administrator's office on a temporary basis. He said that the Public Works lighting projects approved by the Board, were nearly complete and there had been no negative feedback. He said the parking consultants had started their study, he was communicating with them regularly, and they should have a report out this summer

**NEW BUSINESS**

**a) Discuss Sidewalk Advisory Committee**

As First Selectman Stevenson was absent, this item was postponed until the next meeting.

**b) Discuss and Take Action on a Resolution Approving Planned Improvements to the Premises of the Cottage in Accordance with Grand Lease**

The Cottage plans to improve parking areas around the building. It was confirmed the Cottage alone would be paying for these improvements.

- \*\* MR. HALL MOVED TO APPROVE THE PLANNED IMPROVEMENTS TO THE PREMISES OF THE COTTAGE IN ACCORDANCE WITH THE GRAND LEASE, SECTION 6, PROVIDED THAT ALL COSTS FOR THE IMPROVEMENTS BE PAID FOR BY THE COTTAGE.**
- \*\* MS. MARKS SECONDED THE MOTION.**
- \*\* MOTION PASSED UNANIMOUSLY.**

**c) Discuss and Take Action of Assessment Appeal Settlements**

- \*\* MR. HALL MOVED TO APPROVE THE SETTLEMENT OF THE CASE OF HAWTHORNE REALTY, LLC V. TOWN OF DARIEN TO AMEND THE FAIRMARKET VALUE OF THE PROPERTY TO \$5,348,800 FROM \$5,872,600, IN ACCORDANCE WITH STIPULATION FOR JUDGEMENT.**
- \*\* MR. REILLY SECONDED THE MOTION.**
- \*\* MOTION PASSED UNANIMOUSLY.**
  
- \*\* MS. MARKS MOVED TO APPROVE THE SETTLEMENT OF THE CASE OF WYNNE R. SHAPIRO V. TOWN OF DARIEN TO AMEND THE FAIR MARKET VALUE OF THE PROPERTY TO \$5,350,000 FROM \$5,715,300, EFFECTIVE WITH THE GRAND LIST OF OCTOBER 1, 2013, IN ACCORDANCE WITH A STIPULATION FOR JUDGEMENT.**
- \*\* MR. HALL SECONDED THE MOTION.**
- \*\* MOTION PASSED UNANIMOUSLY.**

**AGENDA REVIEW**

Mr. Hall asked for an update on Edgerton. Mr. Kilduff said the project had been voted forward and would be part of the May Agenda of the RTM. Mr. Reilly said he felt there should be a final report on the “shuffle” from the Buildings Committee. Mr. Nielsen said he would ask for it. Mr. Nielsen said it was also important to get the State Representatives back in the near future for a follow up discussion on pending legislation.

## **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

### **Regular Meeting of April 6, 2015**

**Corrections:** p.1, “Paul Canard” to “Paul Knag;” p. 2, second paragraph, eighth sentence, “TCDA” to “DOT,” last sentence “were” to “where;” p. 3, fifth paragraph, first sentence, “Canard,” to “Knag,” add period to end of same sentence.

**\*\* MR. HALL MOVED TO APPROVE THE MINUTES OF APRIL 6, 2015, AS AMENDED.**

**\*\* MS. MARKS SECONDED THE MOTION.**

**\*\* MOTION PASSED WITH 3 IN FAVOR AND 1 ABSTENTION (MR. NIELSEN).**

Ms. Marks said she attended the first “All Things Green” festival at the Darien Library on April 19, 2015. The focus of the festival was to educate the public on rethinking the “reduce, reuse, recycle” process in daily life. She said the event was great and many organizations had helped put it together including: the Darien Garden Club, Cherry Lawn Gardens, The Nature Center, The Tree Conservatory, Friends of Selleck Woods, Friends of Woodland Park, City Carting, and the Boys Scouts tag sale. She said special thanks were due to Ed Gentile and Darren Oustafine for attending the event.

### **PUBLIC COMMENT (cont.)**

As Rep. Tong still had not arrived, Ms. Williamson, of Tinywood Road, decided to present her comments to the Board. She said she realized it was inadvisable, like Clint Eastwood, to speak to an empty chair but wanted to voice her concerns as legislation was pending. She said she was against HB 6851 in that it formed a quasi-public new bonding organization made up of the Governor’s appointees, to initiate transit projects without sufficient review or discussion. She said she also opposed SB1 as it placed an unfair tax burden on well-off towns and cities in Fairfield County, and also lacked sufficient review and discussion. She said it was unfortunate to report SB 1136, a new bill which, if adopted would likely promote tax payer revolt. She said she would not burden the Board with details more easily understood by tax accountants, but had included information in the attached statement (to follow). She said she had attended the Western COG meeting and the encouraging news that all towns of the Western COG, including Norwalk, Stamford and Danbury, were in agreement in opposing HB 6851 and SB1. Mr. Nielsen noted that First Selectman Stevenson, as vice-chair of the Western COG, had been doing an excellent job in keeping abreast of both HB 6851 and SB 1.

I am speaking to oppose House Bill 6851 because it creates a quasi-public, new bonding authority dominated by the Governor's appointees, to initiate projects for transit oriented development, without sufficient review and discussion.

I oppose Senate Bill 1 because reasons stated at the last Board of Selectmen meeting, in short being its undeniable adverse tax impact on well-to-do towns and cities such as in Fairfield County, and also its lack of sufficient review and discussion.

This is also to oppose Senate Bill 1136, which if adopted in addition to Senate Bill 1, will likely precipitate wide-spread taxpayer revolt.

\*\*\*\*\* (This section possibly omitted from public comments)

Specific examples of SB 1 tax impact:

- 1) The new statewide car tax system would nearly double Darien's current town-wide tax rate (15.01 mils) by substituting a statewide car tax rate of 29 mils. Darien would collect and forward \$4 million, and have to add 2 mils to our tax rate to offset net outflow.
- 2) The COG taxation scheme sets up an ongoing tax structure. Once it starts taxing and spending, what limitations, if any, will it have?
- 3) Our COG's proposed initial tax function would be to identify from each of 18 municipalities an amount that equals 40% of the increase in each town's grand list due to corporate and industrial development from this point forward. Then each town must set up a new tier of taxation. It must collect a new "business tax" from business developers for each 40% set-aside, if any, at SB 1's new tax rate of 23.77, instead of at any town's lower tax rate.

This measure effectively cuts growth in business taxes available to Darien residents from our own grand list by 40%, while increasing by about 50% the mil rate on such amount from business developers.

Senator Carlo Leone (Stamford-Darien) said at the last Board of Selectmen meeting that the purpose of this new COG business tax is to have towns that have business growth "share revenues" with towns in their COG which do not.



In all respect to Legislators who believe that, their belief is not supported by facts. On the contrary such a measure will be viewed by developers as anti-business and a disincentive to locate businesses in well-to-do towns and cities in our area that have means to support their business projects.

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Senate Bill 1136 adds to the massive budget confusion of too-much, too-complex, too-little-vetted current conditions. Its proposal is to: 1) cap the amount towns can charge for car tax, and

2) set up a system authorizing a COG to **receive** certain State funding DIRECTLY (here sales and occupancy tax revenues) and to re-distribute it, apparently **diverting** it from being sent directly to municipalities.

It is scheduled for hearing by the Finance Committee tomorrow, Tuesday, with what results no one knows.

Instead of such confusion, we should support fiscal management by Hartford which creates responsible budgeting and does not add ruinous taxation for Fairfield County taxpayers.

Also shouldn't the Governor and Legislature look to state employee unions for help balancing the upcoming budget? Their wages will increase by over \$300 million while their benefits grow by nearly \$600 million in the proposed budget, and while the Governor's current proposals cannibalize the State's essential social services and hit Fairfield County taxpayers for extra revenues to support the ongoing and inexplicable inability to budget responsibly.

Thank you.

(end of comments by Laurie Williamson)

### **DISCUSSION WITH REP. TONG (cont.)**

Rep. Tong arrived to the meeting at 7:37 pm. Mr. Nielsen asked him to describe what was going in Hartford. Rep. Tong said there had been a good jobs report. He said he is the Chair of the Judiciary Committee and has a bit of tunnel vision as he is quite involved. He said the budget will be a huge battle, with many tough decisions. He said the Governor put forward a budget many did not like because of draconian cuts. He said through the Judiciary committee he has been working on legislation on raising penalties for sexual abuse by teachers, and legislation to ensure police practices to prevent incidents like in Ferguson by respecting both police and citizens.

Mr. Nielsen said employment was a huge concern and said he had two tenants in the investment business not renew leases because of the business climate and tax structure in CT. He asked Rep. Tong to keep the losses in mind when fashioning the budget. Rep. Tong said tax structure in CT was better than NY, NJ and MA, although it has gone up. He said he understood about NC and TX, but communities where the cost of doing business was lower did not offer the same amenities as CT and CT citizens demanded a high level of services. He said that his made it tough to make budget cuts. Mr. Nielsen said the right tax structure and that there should be discussions regarding state employee benefits. Rep. Tong said state employees had had benefits decreased since 2009, and the state government also had fewer employees and it was not easy to let go of staff. Mr. Reilly asked if the some cost of proposed police surveillance cameras would be covered by the state. Rep. Tong said there was a push for state funding. He said he had started an initiative to figure out how to make the state more like Delaware, the leading corporate jurisdiction in the country. He said he had started a commission to come up with a plan to challenge Delaware and that Mr. Hall was a member. Mr. Hall said since October the commission had been working on analysis of Delaware, New York and other jurisdictions. He said CT is not the only state that wants to compete with Delaware. He said there had been an interim report by the commission and more reports to follow. He said the state government had many groups working these complex issues. Ms. Marks asked Rep. Tong how to track the legislation coming out of Hartford, in particular HB 6851, SB-1, SB 1136 and SB 1131. Rep. Tong said he was not familiar with the details of all the bills, and they were not yet law. He said it was hard to keep track of, as the bills kept evolving. He said he would have a hard time supporting SB-1 but the bill would undoubtedly undergo a lot of changes before it became up for a vote. He said SB 6851 as presented was essentially dead, as the bill was now based on the consensus of municipalities. He said he thought the genesis of the bill came from frustration surrounding the Stamford train station, which was in deplorable shape and needed to be rebuilt. He said he was not familiar with SB 1136 and 1131 by number. He said it was going to get tough because a budget would be constructed to fold in as many municipal projects as possible to make it hard for legislators to vote against it, and it would become a question of coalitions and negotiations. Ms. Marks asked how constituents can stay abreast of the budget process. Mr. Tong said it was important for towns like Darien to make coalitions with different towns, outside Fairfield County, like perhaps West Hartford, that may be different demographically but share common interests, and power would be generated through these alliances. Mr. Hall told Rep. Tong the last Selectman's meeting was standing room only in part because citizens need a way to

track legislation and have their voice heard. Mr. Hall said he had asked the representatives to come back to share more information. Ms. Marks said the consensus in by towns in the Western COG, including Stamford and Norwalk, had been against the both SB 6851 and SB 1. Mr. Nielsen said Rep. Tong had to fight against Hartford's interference in local jurisdictions and for what was in the best interest of his constituents. Rep. Tong said if it was his ultimate decision to vote "no" on SB-1 he would have to make concessions that might not benefit Darien. Rep. Tong also said the perception that the Stamford train station deal was corrupt or tainted was incorrect, and the station was on State land. He said SB-1 and its proposals may not benefit Darien at face value, but the general problem was how to pay for all the needs of the State, like improving highways and Metro North, and it was often hard to balance wants and needs. Ms. Marks said she agreed it was hard, but the car tax was particularly unfair to Darien, and it was important for Rep. Tong to listen to his constituents. Rep. Tong agreed, said he was willing to come back for another meeting, and suggested that the Board come visit his office at the Legislature so they could meet face-to-face with pertinent law-makers and voice their concerns. Mr. Nielsen thanked Rep. Tong for coming and said the Board would take him up on his offer.

**\*\* MR. HALL MOVED TO ADJOURN THE MEETING.**  
**\*\* MS. MARKS SECONDED THE MOTION.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 8:34 pm.

Respectfully submitted,

A. Lund  
Telesco Secretarial Services